

2005 DRAFTING REQUEST

Bill

Received: **03/23/2006**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Jason Culotta**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game
Agriculture - animals**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption from disease testing requirement for certain deer farm

Instructions:

Deer farm crosses over into Michigan, wants an exemption from DATCP's testing requirements if Michigan is testing the herd.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mglass 03/28/2006 mglass 03/29/2006	lkunkel 03/28/2006	rschluet 03/28/2006	_____ _____ _____	sbasford 03/29/2006		State
/2	mglass 04/13/2006	wjackson 04/13/2006	rschluet 04/13/2006	_____ _____	bkraft 04/13/2006		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	mglass 04/18/2006	wjackson 04/18/2006	rschluet 04/19/2006	_____	bkraft 04/19/2006		State
/4	mglass 04/25/2006	wjackson 04/25/2006	pgreensl 04/25/2006	_____	bkraft 04/25/2006	bkraft 04/27/2006	

FE Sent For:

*at into
4/28*

<END>

2005 DRAFTING REQUEST

Bill

Received: **03/23/2006**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Jason Culotta**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game
Agriculture - animals**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption from disease testing requirement for certain deer farm

Instructions:

Deer farm crosses over into Michigan, wants an exemption from DATCP's testing requirements if Michigan is testing the herd.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mglass 03/28/2006 mglass 03/29/2006	lkunkel 03/28/2006	rschluet 03/28/2006	_____ _____ _____	sbasford 03/29/2006		State
/2	mglass 04/13/2006	wjackson 04/13/2006	rschluet 04/13/2006	_____ _____	bkraft 04/13/2006		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/3	mglass 04/18/2006	wjackson 04/18/2006	rschluet 04/19/2006	_____	bkraft 04/19/2006		State
----	----------------------	------------------------	------------------------	-------	----------------------	--	-------

/4	mglass 04/25/2006	wjackson 04/25/2006	pgreensl 04/25/2006	_____	bkraft 04/25/2006		
----	----------------------	------------------------	------------------------	-------	----------------------	--	--

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **03/23/2006**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Jason Culotta**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game
Agriculture - animals**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

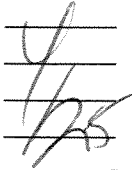
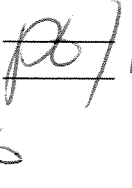
Topic:

Exemption from disease testing requirement for certain deer farm

Instructions:

Deer farm crosses over into Michigan, wants an exemption from DATCP's testing requirements if Michigan is testing the herd.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	mglass 03/28/2006 mglass 03/29/2006	lkunkel 03/28/2006	rschluet 03/28/2006		sbasford 03/29/2006		State
/2	mglass 04/13/2006	wjackson 04/13/2006	rschluet 04/13/2006		bkraft 04/13/2006		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/3	mglass 04/18/2006	wjackson 04/18/2006	rschluet 04/19/2006	_____	bkraft 04/19/2006		
----	----------------------	------------------------	------------------------	-------	----------------------	--	--

FE Sent For:

/4 WJ 4/25

<END>

2005 DRAFTING REQUEST**Bill**Received: **03/23/2006**Received By: **mglass**Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**By/Representing: **Jason Culotta**This file may be shown to any legislator: **NO**Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game
Agriculture - animals**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption from disease testing requirement for certain deer farm

Instructions:

Deer farm crosses over into Michigan, wants an exemption from DATCP's testing requirements if Michigan is testing the herd.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	mglass 03/28/2006 mglass 03/29/2006	lkunkel 03/28/2006	rschluet 03/28/2006		sbasford 03/29/2006		State
/2	mglass 04/13/2006	wjackson 04/13/2006	rschluet 04/13/2006		bkraft 04/13/2006		

4/19/06 JA

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

1/3 WJ 4/18

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **03/23/2006**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Jason Culotta**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact: **DATCP**
A Hy Sherry Steffel 224-5029
Subject: **Nat. Res. - fish and game**
Agriculture - animals

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption from disease testing requirement for certain deer farm

Instructions:

Deer farm crosses over into Michigan, wants an exemption from DATCP's testing requirements if Michigan is testing the herd.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	mglass 03/28/2006 mglass 03/29/2006	lkunkel 03/28/2006 1/2 WLJ 4/13	rschluet 03/28/2006		sbasford 03/29/2006		

FE Sent For:

2005 DRAFTING REQUEST

Bill

Received: **03/23/2006**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Jason Culotta**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game
Agriculture - animals**

Extra Copies: **RCT**

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption from disease testing requirement for certain deer farm ✓

Instructions:

Deer farm crosses over into Michigan, wants an exemption from DATCP's testing requirements if Michigan is testing the herd.

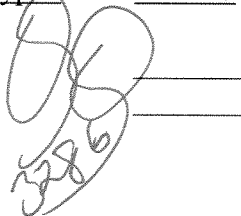
Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?

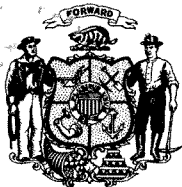
mglass

1/mk3/27



FE Sent For:

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4852/M 1

MGG:.....

1mk

Wed 3/29

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: PLS check
spacing

Cencat

- 1 AN ACT ...; relating to: exempting certain herds of farm-raised deer from
2 monitoring requirements for chronic wasting disease. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may keep deer on a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). ✓ Current law requires DATCP to promulgate rules establishing testing requirements for chronic wasting disease (CWD) in deer and authorizes, but does not require, DATCP to establish rules to be followed by persons keeping farm-raised deer to prevent the spread of disease. ✓ This bill exempts the owner of a deer farm that exists on the date this bill becomes law from having to comply with rules that require the continuous monitoring of the deer herd on a deer farm for CWD if the deer farm is located both in this state and in an adjoining state and if the adjoining state requires that measures be taken to prevent and control the spread of CWD in the herd. ✓ To be covered by this exemption, the deer farm owner must be in compliance with this state's requirements for registering and hunting on deer farms and with this state's fencing requirements for the portion of the deer farm that is located in this state. ✓

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1

SECTION 1. 95.55 (6) (c) of the statutes is created to read:

95.55 (6) (c) A person who is registered under this section on the effective date of this paragraph ²...¹[revisor inserts date]⁴ is exempt from complying with any rules promulgated under par. (b) [✓]1. that relate to ongoing monitoring for chronic wasting disease in a herd of farm-raised deer that is continuously contained in a fenced area if all of the following apply: [✓]

1. The fenced area covers an area located both in this state and in an adjoining state. ✓

2. The adjoining state requires that measures be taken to prevent and control chronic wasting disease in the herd. ✓

3. The person keeping the farm-raised deer is in compliance with the requirements under this section and with the fencing requirements under §90.21 for the portion of the fenced area that is located in this state.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4852/?dn

MGG:.....

lmk

(date)

Jason Culotta

As we discussed on the phone, DATCP should review this draft prior to introduction to make certain that the draft is consistent with your intent. ✓

The fencing requirements referred to in the draft only apply to white-tailed deer. ✓ If other deer are kept on such a deer farm, the draft needs to be modified to include the fencing requirements for other types of deer. ✓

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

ATCP 10.66



ATCP 10.66 Chronic wasting disease in farm-raised deer.

ATCP 10.66(1)



of
of (1) **TESTING REQUIRED.** A person who keeps farm-raised deer in this state shall have a chronic wasting disease test performed on each of the following farm-raised deer that is at least 16 months old:

death ATCP 10.66(1)(a)



(a) A farm-raised deer that dies or is killed while kept by that person.

shipped ATCP 10.66(1)(b)



(b) A farm-raised deer that the person ships to slaughter.

movement from herd ATCP 10.66(2)



(2) **MOVING LIVE FARM-RAISED DEER FROM HERDS IN THIS STATE.** No person may move a live farm-raised deer from a herd in this state unless the movement complies with s. ATCP 11.56 (1).

ATCP 10.66(3)



(3) **COLLECTING TEST SAMPLES.**

ATCP 10.66(3)(a)



(a) Except as provided in par. (b), a person shall collect a test sample for a chronic wasting disease test under sub. (1) before any part of the farm-raised deer carcass leaves the premises where the farm-raised deer died, or was killed or slaughtered.

ATCP 10.66(3)(b)



(b) A person holding a valid farm-raised deer herd registration certificate under s. ATCP 10.61 (1) may separate the head of a farm-raised deer carcass from the rest of the carcass, and may ship the head to the person who collects the test sample for the chronic wasting disease test under sub. (1), if the certificate holder identifies both the head and the rest of the carcass according to s. ATCP 10.61 (12) before either the head or the rest of the carcass leaves the herd premises.

ATCP 10.66(3)(c)



(c) The person who collects a test sample for a chronic wasting disease test sample under sub. (1) shall be one of the following:

ATCP 10.66(3)(c)1.



1. A certified veterinarian.

ATCP 10.66(3)(c)2.



2. An employee of the department or the federal bureau.

ATCP 10.66(3)(c)3.



3. A person approved by the department or the federal bureau.

ATCP 10.66(3)(d)



(d) A person shall complete training approved by the department before collecting a test sample for a chronic wasting disease test under sub. (1). The person shall comply with standard veterinary procedures when collecting test samples.

ATCP 10.66(3)(c)



(e) The person who collects a test sample for a chronic wasting disease test under sub. (1) shall submit that sample to a laboratory approved under sub. (4).

ATCP 10.66(4)



(4) **APPROVED LABORATORIES.** Tests under sub. (1) shall be performed at a laboratory that the department and the federal bureau have approved to conduct chronic wasting disease tests.

ATCP 10.66(5)



(5) **REPORTING DISEASE FINDINGS.** Whenever any person receives a laboratory test result that is positive for chronic wasting disease, that person shall immediately report that result to the department. The person shall report by telephone, FAX or other rapid means within one day after receiving the test result, and shall report in writing within 10 days. The person shall provide a copy of the test result to the owner of the tested cervid.

ATCP 10.66 - ANNOT.



Note: The reporting requirement under sub. (5) applies to any laboratory test result that is positive for chronic wasting disease, not just the result of a test required under sub. (1). Telephone and FAX reports should be made to the following numbers:

Phone: (608) 224-4872

FAX: (608) 224-4871

Written reports should be made to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Animal Health

P.O. Box 8911

Madison, WI. 53708-8911

ATCP 10.66(6)



(6) **HERD QUARANTINE.** The department shall quarantine a farm-raised deer herd, under s. ATCP 10.91, whenever any farm-raised deer from that herd tests positive for chronic wasting disease. The department shall conduct an epidemiological evaluation of the quarantined herd to determine the appropriate disposition of the herd.

ATCP 10.66(7)



(7) **CONDEMNED FARM-RAISED DEER.**

ATCP 10.66(7)(a)



(a) The department may order the slaughter or destruction of a farm-raised deer, as provided in s. 95.23 (1m) or 95.31, Stats. If the department orders the slaughter or destruction of a farm-raised deer, the department shall direct the disposition of the carcass. The owner or custodian of the farm-raised deer shall dispose of the carcass as the department directs.

ATCP 10.66(7)(b)



(b) The owner of a farm-raised deer slaughtered or destroyed under par. (a) may request an indemnity as provided under s. 95.23 (1m) or 95.31, Stats. The owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. The owner of a farm-raised deer

does not qualify for an indemnity if the owner or custodian of the deer fails to properly dispose of the carcass.

ATCP 10.66(8)



(8) KEEPER SHALL NOTIFY VETERINARIAN. Whenever the keeper of farm-raised deer observes signs or symptoms of chronic wasting disease in any animal in the herd, the keeper shall report the signs or symptoms to a certified veterinarian. The person shall make the report within 24 hours after observing the signs or symptoms.

ATCP 10.66 - ANNOT.



History: CR 02-078: cr. Register May 2003 No. 569, eff. 6-1-03; CR 03-121: r. and recr. (1) and (3), am. (4) Register September 2004 No. 585, eff. 10-1-04.

ATCP 10.67



ATCP 10.67 Chronic wasting disease in farm-raised deer; herd monitoring program.

ATCP 10.67(1)



(1) GENERAL. A person who keeps farm-raised deer in this state may enroll the herd in the chronic wasting disease monitoring program under this section.

ATCP 10.67 - ANNOT.



Note: No person may move a live farm-raised deer from a herd in this state unless the herd is enrolled in the monitoring program under this section. See ss. ATCP 10.66 (2) and 11.56 (1).

ATCP 10.67(2)



(2) APPLICATION. To enroll a herd in the monitoring program under this section, a person shall submit an application on a form provided by the department. The application shall include all the following:

ATCP 10.67(2)(a)



(a) The name, address and telephone number of the herd owner, and any trade names under which the herd owner does business.

ATCP 10.67(2)(b)



(b) The name, address and telephone number of the herd custodian, if other than the herd owner.

ATCP 10.67(2)(c)



(c) The herd location, including the county, township, section and fire number assigned to that location.

ATCP 10.67(2)(d)



(d) A report of a complete herd census completed no more than 30 days prior to the date of application. The applicant shall submit the census report on a form provided by the department. The census report shall include all the following:

ATCP 10.67(2)(d)1.



1. The number, species and sex of farm-raised deer in the herd.

ATCP 10.67(2)(d)2.



2. The number of farm-raised deer at least one year old.

ATCP 10.67(2)(d)3.



3. The number of farm-raised deer less than one year old.

ATCP 10.67(2)(d)4.



4. The official individual identification of each farm-raised deer that is at least one year old.

ATCP 10.67(2)(e)



(e) A written statement, by a certified veterinarian, that certifies all the following:

ATCP 10.67(2)(e)1.



1. That the veterinarian is the herd veterinarian, having established a valid veterinarian-client relationship with the herd owner and a valid veterinarian-patient relationship with the herd.

ATCP 10.67(2)(e)2.



2. That no farm-raised deer in the herd has shown any clinical signs of chronic wasting disease in the past 12 months.

ATCP 10.67 - ANNOT.



Note: A person may obtain an application form under sub. (2) by calling (608) 224-4872, by visiting Wisconsin's state website at www.wisconsin.gov, or by writing to the following address:

**Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911**

ATCP 10.67(3)



(3) ACTION ON APPLICATION. The department shall grant or deny an application under sub. (2) within 30 days after the department receives a complete application. Except as provided in sub. (8) (c) or (9), the herd is deemed to be enrolled in the monitoring program under this section on the day that the department accepts the application.

ATCP 10.67(4)



(4) CONTINUED ENROLLMENT. A person who enrolls a herd in the monitoring program under this section shall do all the following to continue that enrollment:

ATCP 10.67(4)(a)



age (a) Identify every farm-raised deer in the herd with official individual identification before the farm-raised deer is one year old.

ATCP 10.67(4)(b)



ape (b) Have a chronic wasting disease test performed on each of the following farm-raised deer that is at least 16 months old:

ATCP 10.67(4)(b)1.



age 1. A farm-raised deer that dies or is killed while kept by that person.

ATCP 10.67(4)(b)2.

2. A farm-raised deer that the person ships to slaughter.



ATCP 10.67(4)(c)

(c) Notify the herd veterinarian within 24 hours after observing any signs or symptoms of chronic wasting disease in the herd.



ATCP 10.67(4)(d)

report
(d) Complete an annual herd census and file a report of that herd census under sub. (5).



ATCP 10.67(4)(e)

records
(e) Create and maintain complete herd records under sub. (6).



ATCP 10.67(4)(f)

(f) Provide the department with an annual written statement from the herd veterinarian. A Wisconsin certified veterinarian shall sign and submit the statement within 30 days before or after the anniversary of the herd's enrollment under sub. (3). The statement shall certify all the following:



ATCP 10.67(4)(f)1.

1. That the veterinarian is the herd veterinarian, having established a valid veterinarian-client relationship with the herd owner and a valid veterinarian-patient relationship with the herd.



ATCP 10.67(4)(f)2.

2. That the herd has not shown any clinical signs of chronic wasting disease in the past 12 months.



ATCP 10.67(5)

annual
(5) ANNUAL HERD CENSUS. A person shall complete an annual herd census under sub. (4) (d) within 30 days before or after the anniversary of the herd's enrollment under sub. (3). The person shall file an annual census report under sub. (4) (d), on a form provided by the department, within 10 days after completing the annual herd census. The report shall include all the following:



ATCP 10.67(5)(a)

(a) The number, species and sex of farm-raised deer in the herd.



ATCP 10.67(5)(b)

(b) The number of farm-raised deer at least one year old.



ATCP 10.67(5)(c)

(c) The number of farm-raised deer less than one year old.



ATCP 10.67(5)(d)

(d) The official individual identification and any auxiliary identification of each farm-raised deer that is at least one year old.



ATCP 10.67(5)(e)

(e) The number, species and sex of farm-raised deer added to the herd since the last reported herd census. The report shall indicate whether these new farm-raised deer were born in the herd or added from another source. If farm-raised deer were added from another source, the report shall identify the source from which



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4852/1dn
MGG:lmk:rs

March 28, 2006

Jason Culotta

As we discussed on the phone, DATCP should review this draft prior to introduction to make certain that the draft is consistent with your intent.

The fencing requirements referred to in the draft only apply to white-tailed deer. If other deer are kept on such a deer farm, the draft needs to be modified to include the fencing requirements for other types of deer.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Culotta, Jason
Sent: Thursday, March 30, 2006 5:17 PM
To: Gibson-Glass, Mary
Subject: Request for an updated deer farm draft

Mary,

Apparently I did not provide you with all of the correct information when I asked you to draft LRB-4852/1.

First, the farm operator is no longer registered with a farm-raised deer certificate. Because of the dispute we are trying to resolve, the agency would not re-issue their licence when it was last up for renewal.

The operator would like the language of the draft to read something like this:

The operator would not be required to have a fence certificate to receive a farm-raised deer certificate if the following apply:

1. The fenced area covers an area located both in this state and in an adjoining state.
2. The operator meets the greater fence requirement of the two states
3. The operator meets the greater testing requirement of the two states (could mention CWD and TB, if we need to)
4. The operator would report the animal census/animal health information to both states.

If these four conditions would be met, a farm-raised deer certificate could be granted without a fence certificate.

Sorry to ask you to re-draft this again, but we're learning what needs to be done to resolve this situation.

Feel free to call me with any questions at 266-2344.

Thanks,

Jason Culotta
Policy advisor
Office of Speaker John Gard

conv. w/ Steffel from DATCP
trying to find out CWD testing law for Mich.
was ~~was~~ required under S.95.55 for one
year but in error
needs to fence along border to get DNR
fence certificate

3:00 PM today

2005 BILL

- 1 AN ACT ^{Regen} to create 95.55 (6) (c) of the statutes; relating to: exempting certain
- 2 herds of farm-raised deer from monitoring requirements for chronic wasting
- 3 disease; administered by the Department of Natural Resources
- the fencing
- fenced areas of
- white-tailed deer

Analysis by the Legislative Reference Bureau

Under current law, no person may keep deer on a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). Current law requires DATCP to promulgate rules establishing testing requirements for chronic wasting disease (CWD) in deer and authorizes, but does not require, DATCP to establish rules to be followed by persons keeping farm-raised deer to prevent the spread of disease. This bill exempts the owner of a deer farm that exists on the date this bill becomes law from having to comply with rules that require the continuous monitoring of the deer herd on a deer farm for CWD if the deer farm is located both in this state and in an adjoining state and if the adjoining state requires that measures be taken to prevent and control the spread of CWD in the herd. To be covered by this exemption, the deer farm owner must be in compliance with this state's requirements for registering and hunting on deer farms and with this state's fencing requirements for the portion of the deer farm that is located in this state.

BILL

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

INSERT
ANL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 95.55 (6) (c) of the statutes is created to read:

95.55 **(6)** (c) A person who is registered under this section on the effective date of this paragraph [revisor inserts date], is exempt from complying with any rules promulgated under par. (b) 1. that relate to ongoing monitoring for chronic wasting disease in a herd of farm-raised deer that is continuously contained in a fenced area if all of the following apply:

1. The fenced area covers an area located both in this state and in an adjoining state.

2. The adjoining state requires that measures be taken to prevent and control chronic wasting disease in the herd.

3. The person keeping the farm-raised deer is in compliance with the requirements under this section and with the fencing requirements under s. 90.21 for the portion of the fenced area that is located in this state.

(END)

INS 2-13

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4852/1ins
MGG:lmk:rs

Insert ANL

Under current law, no person may keep deer on a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). ~~In order to be~~ registered with DATCP the deer farm owner must first receive a deer fence inspection certificate from the Department of Natural Resources. ~~In order~~ to receive a fence certificate, the fence must be in compliance with DNR rules that establish requirements for deer farm fences. Current law requires DATCP to promulgate rules establishing testing requirements for chronic wasting disease (CWD) in deer and authorizes, but does not require, DATCP to establish rules to be followed by persons keeping farm-raised deer to prevent the spread of disease. (DNR)

This bill exempts the owner of a deer farm that has only white-tailed deer, that exists on the date this bill becomes law and that is located in two states from having to have the entire area in this state fenced if certain requirements are met. These include meeting the fencing requirements of this state or the adjoining state, whichever are more stringent, as determined by DNR and complying with the disease prevention laws of this state or the adjoining state, whichever are more stringent, as determined by DATCP. Also, the deer farm owner must have any deer that dies from natural causes on the deer farm tested for CWD and must have the results submitted to DATCP and DNR. Moreover, deer farm owner must report any incidents of deer escaping from the farm to DATCP and DNR and may not release any deer from the farm into the wild in this state.

Insert 2-13

SECTION 1. 90.20 (2) (intro.) of the statutes is amended to read:

90.20 (2) SPECIFICATIONS. (intro.) Unless s. 90.21 or 95.55 (1) (c) applies, any person who keeps farm-raised deer shall keep the farm-raised deer enclosed by a fence that meets all of the following requirements:

History: 1995 a. 79; 2001 a. 56.

SECTION 2. 90.21 (2) (d) of the statutes is created to read:

90.21 (2) (d) Paragraphs (a) to (c) do not apply to farm-raised deer that are kept pursuant to s. 95.55 (1) (c).

SECTION 3. 95.55 (1) (c) of the statutes is created to read:

95.55 (1) (c) The department shall register a person to keep farm-raised deer in fenced area that is located in this state and another state without having the entire area in this state enclosed with a fence if all of the following apply:

1 1. The person is keeping farm-raised deer in the fenced area on the effective
2 date of this subdivision [... revisor inserts date].

3 2. All of the deer being kept in the fenced area are white-tailed deer.

4 3. The fenced area located in this state complies with the fencing requirements
5 under s. 90.21 or the fencing requirements of the adjoining state, whichever are more
6 stringent, as determined by the department of natural resources.

7 4. The person complies with all of the rules promulgated under this section for
8 the prevention of disease in farm-raised deer or all such laws of the adjoining state,
9 whichever are more stringent, as determined by the department of agriculture,
10 trade and consumer protection.

11 5. The person has the carcass of each farm-raised deer that dies from natural
12 causes within the fenced area tested for chronic wasting disease and has the test
13 results submitted to the department of agriculture, trade and consumer protection
14 and the department of natural resources.

15 6. The person notifies the department of agriculture, trade and consumer
16 protection and the department of natural resources of the escape of any deer from the
17 portion of the fenced area that is located in this state immediately upon discovering
18 the escape.

19 7. The person does not release into this state any deer from the fenced area.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

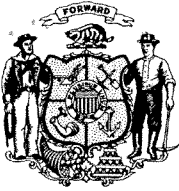
LRB

4/18 Jason 62344
hair elk → cervid

testing CWD

within 24 hours after death of animal
otherwise tests are not valid





State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4852/2

MGG:lmk&wlj:rs

↑ ↑
stays

Wed A M

2005 BILL

INS ANL

that are located both in this state
and in an adjoining state

Regen

1 AN ACT *to amend* 90.20 (2) (intro.); and *to create* 90.21 (2) (d) and 95.55 (1) (c)
2 of the statutes; **relating to:** exempting certain fenced areas of farm-raised
3 white-tailed deer from the fencing requirements administered by the
4 Department of Natural Resources. #

Analysis by the Legislative Reference Bureau

Under current law, no person may keep deer on a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). To register with DATCP the deer farm owner must first receive a deer fence inspection certificate from the Department of Natural Resources (DNR). To receive a fence certificate, the fence must be in compliance with DNR rules that establish requirements for deer farm fences. Current law requires DATCP to promulgate rules establishing testing requirements for chronic wasting disease (CWD) in deer and authorizes, but does not require, DATCP to establish rules to be followed by persons keeping farm-raised deer to prevent the spread of disease.

This bill exempts the owner of a deer farm that has only white-tailed deer, that exists on the date this bill becomes law, and that is located in two states from having to have the entire area in this state fenced, if certain requirements are met. These include meeting the fencing requirements of this state or the adjoining state, whichever are more stringent, as determined by DNR and complying with the disease prevention laws of this state or the adjoining state, whichever are more stringent, as determined by DATCP. Also, the deer farm owner must have any deer that dies from natural causes on the deer farm tested for CWD and must have the

or hazardous

applicable

within 24
hours

BILL

results submitted to DATCP and DNR. Moreover, deer farm owner must report any incidents of deer escaping from the farm to DATCP and DNR and may not release any deer from the farm into the wild in this state.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 90.20 (2) (intro.) of the statutes is amended to read:

2 90.20 (2) SPECIFICATIONS. (intro.) Unless s. 90.21 or 95.55 (1) (c) applies, any
3 person who keeps farm-raised deer shall keep the farm-raised deer enclosed by a
4 fence that meets all of the following requirements:

5 **SECTION 2.** 90.21 (2) (d) of the statutes is created to read:

6 90.21 (2) (d) Paragraphs (a) to (c) do not apply to farm-raised deer that are kept
7 pursuant to s. 95.55 (1) (c).

8 **SECTION 3.** 95.55 (1) (c) of the statutes is created to read:

9 95.55 (1) (c) The department shall register a person to keep farm-raised deer
10 in a fenced area that is located in this state and another state without having the
11 entire area in this state enclosed with a fence if all of the following apply:

12 1. The person is keeping farm-raised deer in the fenced area on the effective
13 date of this subdivision [revisor inserts date].

14 2. All of the deer being kept in the fenced area are white-tailed deer.

15 2.0 3. The fenced area located in this state complies with the applicable fencing requirements
16 under s. 90.21 or the fencing requirements of the adjoining state, whichever are more
17 stringent, as determined by the department of natural resources.

18 3.0 4. The person complies with all of the rules promulgated under this section for
19 the prevention of disease in farm-raised deer or all such laws of the adjoining state,

BILL*within 24 hours after the death*

1 whichever are more stringent, as determined by the department of agriculture, trade
2 and consumer protection.

3 ~~40~~ ⁵⁰ ~~5~~ The person has the carcass of each farm-raised deer that dies from natural
4 causes within the fenced area tested for chronic wasting disease and has the test
5 results submitted to the department of agriculture, trade and consumer protection
6 and the department of natural resources.

from being harvested or

7 ~~50~~ ⁶⁰ ~~6~~ The person notifies the department of agriculture, trade and consumer
8 protection and the department of natural resources of the escape of any deer from the
9 portion of the fenced area that is located in this state immediately upon discovering
10 the escape.

11 ~~60~~ ⁷⁰ ~~7~~ The person does not release into this state any deer from the fenced area.

12

(END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4852/3ins
MGG:.....

INS ANL

Under current law, no person may keep any type of deer on a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). To register with DATCP a deer farm owner who is keeping farm-raised deer other than white-tailed deer must comply with statutory requirements for the fencing of these deer (DATCP requirements). A deer farm owner who ~~is~~ farm-raised white-tailed deer must receive a fence inspection certificate from the Department of Natural Resources before being registered with DATCP. To receive a fence certificate, the fence must be in compliance with DNR rules that establish fencing requirements for white-tailed deer.

Keeps

(DNR)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4852/34 RMR

MGG:lmk&wlj:rs

↑ ↑
stays

Wed
10 AM

2005 BILL

- 1 AN ACT ^{Regen} ~~to amend~~ 90.20 (2) (intro.); and **to create** 90.21 (2) (d) and 95.55 (1) (c)
- 2 of the statutes; **relating to:** fenced areas of farm-raised deer that are located
- 3 both in this state and in an adjoining state.

Analysis by the Legislative Reference Bureau

Under current law, no person may keep any type of deer on a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). To register with DATCP a deer farm owner who is keeping farm-raised deer other than white-tailed deer must comply with statutory requirements for the fencing of these deer (DATCP requirements). A deer farm owner who keeps farm-raised white-tailed deer must receive a fence inspection certificate from the Department of Natural Resources (DNR) before being registered with DATCP. To receive a fence certificate, the fence must be in compliance with DNR rules that establish fencing requirements for white-tailed deer.

Current law requires DATCP to promulgate rules establishing testing requirements for chronic wasting disease (CWD) in deer and authorizes, but does not require, DATCP to establish rules to be followed by persons keeping farm-raised deer to prevent the spread of disease.

This bill exempts the owner of a deer farm that exists on the date this bill becomes law and that is located in two states from having to have the entire area in this state fenced, if certain requirements are met. These include meeting the applicable fencing requirements of this state or the adjoining state, whichever are more stringent, as determined by DNR and complying with the disease prevention

BILL

laws of this state or the adjoining state, whichever are more stringent, as determined by DATCP. Also, the deer farm owner must have any deer that dies from natural causes or harvesting on the deer farm tested for CWD within 24 hours and must have the results submitted to DATCP and DNR. Moreover, deer farm owner must report any incidents of deer escaping from the farm to DATCP and DNR and may not release any deer from the farm into the wild in this state.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 90.20 (2) (intro.) of the statutes is amended to read:

2 90.20 (2) SPECIFICATIONS. (intro.) Unless s. 90.21 or 95.55 (1) (c) applies, any
3 person who keeps farm-raised deer shall keep the farm-raised deer enclosed by a
4 fence that meets all of the following requirements:

5 **SECTION 2.** 90.21 (2) (d) of the statutes is created to read:

6 90.21 (2) (d) Paragraphs (a) to (c) do not apply to farm-raised deer that are kept
7 pursuant to s. 95.55 (1) (c).

8 **SECTION 3.** 95.55 (1) (c) of the statutes is created to read:

9 95.55 (1) (c) The department shall register a person to keep farm-raised deer
10 in a fenced area that is located in this state and another state without having the
11 entire area in this state enclosed with a fence if all of the following apply:

12 1. The person is keeping farm-raised deer in the fenced area on the effective
13 date of this subdivision [revisor inserts date].

14 2. The fenced area located in this state complies with the applicable fencing
15 requirements under ss. 90.20 and 90.21, or the fencing requirements of the adjoining
16 state, whichever are more stringent, as determined by the department of natural
17 resources.

BILL

1 3. The person complies with all of the rules promulgated under this section for
2 the prevention of disease in farm-raised deer or all such laws of the adjoining state,
3 whichever are more stringent, as determined by the department of agriculture, trade
4 and consumer protection.

5 4. The person has the carcass of each farm-raised deer that dies from being
6 harvested or from natural causes within the fenced area tested for chronic wasting
7 disease within 24 hours after the death and has the test results submitted to the
8 department of agriculture, trade and consumer protection and ^{to} the department of
9 natural resources.

10 5. The person notifies the department of agriculture, trade and consumer
11 protection and the department of natural resources of the escape of any deer from the
12 portion of the fenced area that is located in this state immediately upon discovering
13 the escape.

14 6. The person does not release into this state any deer from the fenced area.

15 (END)

Kraft, Becky

From: Culotta, Jason
Sent: Thursday, April 27, 2006 9:03 AM
To: LRB.Legal
Subject: Draft Review: LRB 05-4852/4 Topic: Exemption from disease testing requirement for certain deer farm

Please Jacket LRB 05-4852/4 for the ASSEMBLY.

Barman, Mike

From: LaBelle, Vicky - DOA [Vicky.LaBelle@Wisconsin.gov]
Sent: Wednesday, May 03, 2006 9:03 AM
To: Swain, Sandy
Cc: Barman, Mike
Subject: Supplemental Fiscal Estimate for AB 1209
Importance: High

Hi, Sandy.

Mike Barman of the LRB and I have come to the conclusion that the fiscal estimate prepared by the LFB for AB 1209 yesterday needs to be reflected in the Fiscal Estimate System, even though the hearing was held yesterday and the fiscal estimate was provided in paper copy.

Can you please attach the fiscal estimate in the Fiscal Estimate System so we can appropriately reflect what happened?

Thanks, Sandy.

Vicky

Joint Rule
48 (3) ?

See
attached

Should be a
"Supplemental"
FE
not an
"original"

Barman, Mike

From: LaBelle, Vicky - DOA [Vicky.LaBelle@Wisconsin.gov] on behalf of DOA Fiscal Estimates, .
[DOAFiscalEstimates@wisconsin.gov]
Sent: Wednesday, May 03, 2006 9:42 AM
To: Swain, Sandy
Cc: Barman, Mike
Subject: RE: FISCAL ESTIMATE - NEW 'LFB' ASSIGNMENT LRB # 05-4852/4, INTRO # AB-1209

By "jacket" do you mean the formal file at LRB? If so, that would be a question for Mike Barman. I think he was going to keep the file intact, adding the data that we're putting in the Fiscal Estimate System, PLUS a note explaining what happened with AB 1209.

Vicky

-----Original Message-----

From: Swain, Sandy [mailto:Sandy.Swain@legis.state.wi.us]
Sent: Wednesday, May 03, 2006 9:11 AM
To: Vicky LaBelle
Subject: RE: FISCAL ESTIMATE - NEW 'LFB' ASSIGNMENT LRB # 05-4852/4, INTRO # AB-1209

Vicky,

We did this fiscal estimate yesterday. They needed for a Committee meeting yesterday. We just manually typed it. It is in the jacket already. Can you remove this assignment?

Sandy

-----Original Message-----

From: FES User Vicky LaBelle [mailto:DOAFiscalEstimates@wisconsin.gov]
Sent: Wednesday, May 03, 2006 8:59 AM
To: Swain, Sandy
Cc: DOAFiscalEstimates@wisconsin.gov
Subject: FISCAL ESTIMATE - NEW 'LFB' ASSIGNMENT LRB # 05-4852/4, INTRO # AB-1209

Please prepare a fiscal estimate for LRB # 05-4852/4 by 5/3/2006. You can view the draft and details of the assignment by selecting 'Agency Assignments' from the 'Fiscal Estimates' menu. On the 'Agency Assignment List Options' screen choose 'Entire Agency' and 'Unassigned'. Please assign a preparer and an approver to complete the estimate. If there is a fiscal effect to the bill, a fiscal estimate worksheet should also be completed.

Submitted from the web 5/3/2006 8:58:54 AM

Fiscal Estimates URL = <http://fes.doa.state.wi.us>

This message has been generated from the Fiscal Estimate System by FES User Vicky LaBelle. Please click on the following link to respond to Vicky LaBelle.
<mailto:DOAFiscalEstimates@wisconsin.gov?subject=FISCAL%20ESTIMATE%20-%20NEW%20%27LFB%27%20ASSIGNMENT%20LRB%20%2005-4852/4%2C%20INTRO%20%20AB-1209&cc=DOAFiscalEstimates@wisconsin.gov> Using the Reply button will send a message to the FES System Mailbox.

Barman, Mike

From: Inabnet, Kay
Sent: Wednesday, May 03, 2006 11:51 AM
To: Barman, Mike
Subject: AB 1209

Mike,

I was told that Rep. Meyer was the requestor for the fiscal estimate. I hope this helps.

Kay

FISCAL ESTIMATE - 2005 SESSION

un-official
copy

☒ Original

☐ Updated

☐ Corrected

☒ Supplemental

LRB Number 05-4852/4

Introduction Number AB-1209

Subject:

Permitting of deer farms located in multiple states

Fiscal Effect

State:

☐ No State Fiscal Effect

☐ Indeterminate

☐ Increase Existing
Appropriations

☐ Decrease Existing
Appropriations

☐ Create New Appropriations

☐ Increase Existing
Revenues

☐ Decrease Existing
Revenues

☒ Increase Costs - May be possible to
absorb within agency's budget

☒ Yes ☐ No

☐ Decrease Costs

Local:

☒ No Local Government Costs

☐ Indeterminate

1. ☐ Increase Costs

☐ Permissive ☐ Mandatory

2. ☐ Decrease Costs

☐ Permissive ☐ Mandatory

3. ☐ Increase Revenue

☐ Permissive ☐ Mandatory

4. ☐ Decrease Revenue

☐ Permissive ☐ Mandatory

5. Types of Local

Government Units Affected

☐ Towns

☐ Village

☐ Cities

☐ Counties

☐ Others

☐ School
Districts

☐ WTCS
Districts

Fund Sources Affected

Affected Ch. 20 Appropriations

☐ GPR ☐ FED ☐ PRO ☐ PRS ☒ SEG ☐ SEGS

Agency/Prepared By

Authorized Signature

Date

LFB/ Chris Pollek (608) 266-3847

Robert W. Long

5/2/2006

Fiscal Estimate Narratives

LRB Number	05-4852/4	Introduction Number	AB-1209	Estimate Type	Original
Subject					
Permitting of deer farms located in multiple states					

Assumptions Used at Arriving at Fiscal Estimate

The bill is expected to affect one deer farm that straddles the Wisconsin-Michigan border. The bill would exempt the farm from DNR's current fencing permit requirement (\$100, valid for 10 years), but require DNR to verify to DATCP that the fenced-in area that is located in Wisconsin complies with applicable fencing requirements before DATCP may issue a deer farm registration.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect


☒ Original

☐ Updated

☐ Corrected

☒ Supplemental

LRB Number 05-4852/4	Introduction Number AB-1209	
Subject		
Permitting of deer farms located in multiple states		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):		
II. Annualized Costs:		
	Annualized Fiscal Impact on funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations -- Salaries and Fringes		
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category		
B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev	Decreased Rev
GPR Taxes		
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		(\$10)
TOTAL State Revenues		
NET ANNUALIZED FISCAL IMPACT		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		
NET CHANGE IN REVENUE	(\$10)	

Agency/Prepared by LFB/ Chris Pollek (608) 266-3847	Authorized Signature 	Date 5/2/2006
---	---	-------------------------